

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN - MODIFIED

In re:

Gregg L Carlson
Sherilyn K Carlson

Dated: July 11, 2013

DEBTOR Case No. 13-32556

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- a. As of the date of this plan, the debtor has paid the trustee \$ 0.00 .
- b. After the date of this plan, the debtor will pay the trustee \$ 550.00 * per Month for 60 months, beginning within 30 days after the order for relief for a total of \$ 34,450.00 . The minimum plan payment length is 36 or X 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee
- d. The debtor will pay the trustee a total of \$ 34,450.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 3,445.00 , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor <u>-NONE-</u>	Monthly Payment \$ <u> </u>	Number of Months	Total Payments \$ <u> </u>
a. TOTAL			\$ <u> </u> 0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor <u>-NONE-</u>	Description of Property

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor <u>-NONE-</u>	Description of Property

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor VERICREST FINANCIAL	Amount of Default \$ <u> </u>	Monthly Payment \$ <u> </u>	Beginning in Month # <u> </u>	Number of Payments <u> </u>	TOTAL PAYMENTS \$ <u> </u>
a. <u>INC</u>	\$ <u> </u> 5,466.00	\$ <u> </u> 176.32	<u> </u> 13	<u> </u> 31	\$ <u> </u> 5,466.00
b. TOTAL					\$ <u> </u> 5,466.00

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor <u>-NONE-</u>	Amount of Default \$ <u> </u>	Int. rate (if applicable)	Monthly Payment \$ <u> </u>	Beginning in Month #	Number of Payments	TOTAL PAYMENTS \$ <u> </u>
a. TOTAL						\$ <u> </u> 0.00

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM Binds THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Mo. #	Beg.	(No. of Pmnts) x Pmnts)	Pmnts on Account of Claim	(Adq. Prot. from ¶ 3) =	TOTAL PAYMENTS
					in Mo.				
AMERICAN INVESTORS									
a. BANK	\$ <u>20,000.00</u>	\$ <u>20,000.00</u>		<u>0</u>	<u>1</u>	\$ <u>333.33</u>	<u>60</u>	\$ <u>20,000.00</u>	\$ <u>0.00</u>
b. TOTAL									\$ <u>20,000.00</u>

9. PRIORITY CLAIMS — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ <u>2,281.00</u>	\$ <u>175.46</u>	<u>1</u>	<u>13</u>	\$ <u>2,281.00</u>
b. INTERNAL REVENUE SVC	\$ <u>0.00</u>	\$ <u>0.00</u>	<u>60</u>	<u>0</u>	\$ <u>0.00</u>
c. MN DEPT OF REVENUE	\$ <u>0.00</u>	\$ <u>0.00</u>	<u>60</u>	<u>0</u>	\$ <u>0.00</u>
d. TOTAL					\$ <u>2,281.00</u>

10. SEPARATE CLASSES OF UNSECURED CREDITORS — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-
The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-						
a. TOTAL						\$ <u>0.00</u>

11. TIMELY FILED UNSECURED CREDITORS — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 3,258.00 [line 1(d) minus lines 2, 6(b), 7(a), 8(a), 9(d) and 10(a)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00 .
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 23,047.00 .
- Total estimated unsecured claims are \$ 23,047.00 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS —

*The plan is a step plan which will pay as follows: \$550.00 Monthly for 2 months, then \$575.00 Monthly for 58 months

The debtors shall send the trustee each year during the chapter 13 Plan a copy of the federal and state income tax returns at the time they are filed. The debtors will promptly report to the trustee the receipt of any state and federal tax refunds for the duration of the chapter 13 case and shall be entitled to retain the first \$2,000 plus any earned income credit (EIC). Any remaining balance shall be turned over to the trustee as additional plan payments.

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	<u>3,445.00</u>
Home Mortgage Defaults [Line 6(b)]	\$	<u>5,466.00</u>
Claims in Default [Line 7(a)]	\$	<u>0.00</u>
Other Secured Claims [Line 8(b)]	\$	<u>20,000.00</u>
Priority Claims [Line 9(d)]	\$	<u>2,281.00</u>
Separate Classes [Line 10(a)]	\$	<u>0.00</u>
Unsecured Creditors [Line 11]	\$	<u>3,258.00</u>
TOTAL [must equal Line 1(d)]	\$	<u>34,450.00</u>

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Richard J. Pearson 130308

Prescott & Pearson, P.A.

Po Box 120088

New Brighton, MN 55112-0088

(651) 633-2757

130308

Signed

/s/ Gregg L Carlson

Gregg L Carlson

DEBTOR

Signed

/s/ Sherilyn K Carlson

Sherilyn K Carlson

DEBTOR (if joint case)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

GREGG L CARLSON
SHERILYN K CARLSON
Debtor(s)

BKY No. 13-32556
Chapter 13

NOTICE OF HEARING TO APPROVE MODIFIED PLAN

TO: The debtor(s); US Trustee; Chapter 13 Trustee; and creditors and parties in interest.

1. The debtor(s), by the undersigned attorney, moves the court for approval of the modified plan dated July 11, 2013.
2. The court will hold a hearing on this motion at 10:30 a.m. on July 25, 2013 in Courtroom No. 2A, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.
3. Any objection to this modified plan must be filed and served by delivery not later than July 19, 2013 which is 5 days before the time set for the hearing including Saturdays, Sundays and holidays. UNLESS AN OBJECTION TO THE PLAN IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sec 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. The petition commencing this Chapter 13 case was filed May 23, 2013. This case is now pending in this court.
5. The plan is being modified to provide for payment of \$20,000.00 to American Investors Bank of settlement of its secured claim on the debtors' homestead.

Dated: July 11, 2013

Prescott & Pearson, P.A.

/s/ Richard J. Pearson

Richard J. Pearson #130308
Attorneys for Debtor
443 Old Highway Eight #208
New Brighton, MN 55112-008
Telephone: (651) 633-2757

VERIFICATION

Gregg L. Carlson and Sherilyn K. Carlson, the Debtor(s) named in the Motion, declare under penalty of perjury that the information therein contained is correct to the best of our knowledge, information and belief.

Dated: JULY 11, 2103

Signed: 

Gregg L. Carlson, Debtor

Signed: 

Sherilyn K. Carlson, Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

GREGG L CARLSON
SHERILYN K CARLSON

BKY No. 13-32556
Chapter 13

Debtor(s)

**UNSWORN DECLARATION
OF SERVICE**

Lindy Voss, an employee at Prescott & Pearson, P.A., a law firm licensed to practice law in this court, with offices at 443 Old Highway 8 Northwest, New Brighton, Minnesota 55112, declares under penalty of perjury that on July 11, 2013, I served the annexed NOTICE OF HEARING TO APPROVE MODIFIED PLAN and MODIFIED CHAPTER 13 PLAN to each entity named below at the address stated for each entities:

SEE ATTACHED LIST

and delivered to each entity below by way of electronic transmission by the United States Bankruptcy Court:

US Trustee
Jasmine Z. Keller, Chapter 13 Trustee

Executed on: July 11, 2013

/s/ Lindy Voss

Lindy Voss

ALLINA HEALTH
2925 CHICAGO AVE
MINNEAPOLIS MN 55407-1321

AMERICAN INVESTORS BANK
6385 OLD SHADY OAK RD
SUITE 110
EDEN PRAIRIE MN 55344

DISCOVER BANK
COLLECTIONS DEPT
PO BOX 3025
NEW ALBANY OH 43054-3025

GREGG AND SHERILYN CARLSON
6035 SUMMIT COURT
COTTAGE GROVE MN 55016-4491

INTERNAL REVENUE SVC
PO BOX 7346
PHILADELPHIA PA 19101-7346

JC PENNEY GEMB
PO BOX 960090
ORLANDO FL 32896-0090

JP MORGAN CHASE BANK N.A.
PO BOX 78420
PHOENIX AZ 55344

KOHLS CAPONE
PO BOX 3004
MILWAUKEE WI 53201-3004

MACYS
PO BOX 689195
DES MOINES IA 50368-9195

MENARDS CAPONE
DEPT 7680
CAROL STREAM IL 60116-7680

MN DEPT OF REVENUE
551 BKY SECTION CEU DEPT
PO BOX 64447
ST PAUL MN 55164

PORTFOLIO RECOVERY
PO BOX 12914
NORFOLK VA 23541

PORTFOLIO RECOVERY
PO BOX 12914
NORFOLK VA 23541

PORTFOLIO RECOVERY ASSOC LLC
PO BOX 41067
NORFOLK VA 23541-1067

QUANTUM GROUP LLC
MOMA FUNDING LLC
PO BOX 788
KIRKLAND WA 98083-0788

SEARS CITI MASTERCARD
BANKRUPTCY RECOVERY
PO BOX 20363
KANSAS CITY MO 64195

ST PAUL FCU IBEW VISA
PO BOX 4519
CAROL STREAM IL 60197-4519

TARGET NATL BANK VISA
PO BOX 660170
DALLAS TX 75266-0170

VERICREST FINANCIAL INC
PO BOX 24610
OKLAHOMA CITY OK 73124-0610

WALMART GEMB
PO BOX 530927
ATLANTA GA 30353-0927

WELLS FARGO BANK
PO BOX 10438
DES MOINES IA 50306

WELLS FARGO CARD SERVICES
1 HOME CAMPUS
3RD FLOOR
DES MOINES IA 50328-0001

WELLS FARGO VISA
PO BOX 6412
CAROL STREAM IL 60197-6412

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Gregg L Carlson
Sherilyn K Carlson
Debtor(s).

SIGNATURE DECLARATION

Case No. 13-32556

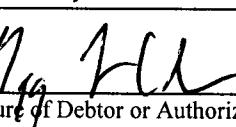
PETITION, SCHEDULES & STATEMENTS
 CHAPTER 13 PLAN
 SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
 MODIFIED CHAPTER 13 PLAN
 OTHER (Please describe: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, *make the following declarations under penalty of perjury*:

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- [individual debtors only] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

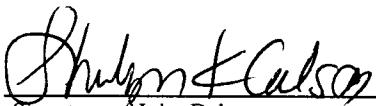
Date: JULY 11, 2013

X


Signature of Debtor or Authorized Representative

Gregg L Carlson

Printed Name of Debtor or Authorized Representative

X 
Signature of Joint Debtor

Sherilyn K Carlson

Printed Name of Joint Debtor

Form ERS 1 (Rev. 10/03)